

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

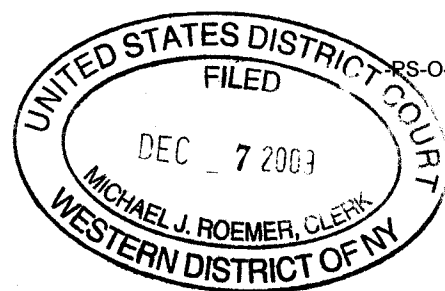
VICTOR ALTHEUS DEPONCEAU, 08B1912,

Petitioner,

-v-

DAVID ROCK and STATE OF NEW YORK,

Respondents.



DECISION AND ORDER
09-CV-6603L

Petitioner DePonceau filed this action in the Northern District of New York and it was transferred to this Court (Docket # 4). Plaintiff has failed to pay the required fee or apply for poor person status. Petitioner has until **January 5, 2010** to either submit an application for poor person status or to pay the filing fee of \$5.00. The Clerk of the Court is directed to provide petitioner with a form application for poor person status with this Order. In the event that plaintiff does not pay the filing fee or otherwise seek relief from this order by **January 5, 2010**, the Clerk of the Court is directed to close this case as dismissed without prejudice without further order of the Court.

IT IS SO ORDERED.

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: Dec. 5, 2009